

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case Nos. 4:18-CR-00036-1-BCW
)	4:18-CR-00036-2-BCW
SHAWN BURKHALTER and)	
JOSHUA NESBITT,)	
)	
Defendants.)	

ORDER

Before the Court is Magistrate Judge Counts' Report and Recommendation (Doc. #1366) denying Defendant Burkhalter's motion to suppress evidence from 8338 Hillcrest Road, Kansas City, Missouri (Doc. #1088) and Defendant Nesbitt's motion to suppress evidence from 8338 Hillcrest Road, Kansas City, Missouri (Doc. #1100).

On October 18, 2022, Judge Counts held an evidentiary hearing on Defendants' suppression motions. (Doc. #1277). The Government called three witnesses to testify during the hearing and Defendants called no witnesses. On March 10, 2023, Judge Counts issued the Report and Recommendation. (Doc. #1366). Defendants did not object to the Report and Recommendation and the time to do so has passed.

After an independent review of the record, the applicable law, and the parties' arguments, the Court adopts Magistrate Judge Counts' findings of fact and conclusions of law. Accordingly, it is hereby

ORDERED for the reasons stated in the Report and Recommendation (Doc. #1366), Defendants' motions to suppress evidence from 8338 Hillcrest Road, Kansas City, Missouri (Docs. #1088 & # 1100) are DENIED. It is further

ORDERED that Magistrate Judge Counts' Report and Recommendation (Doc. #1366) be attached to and made part of this Order.

IT IS SO ORDERED.

DATED: April 12, 2023

/s/ Brian C. Wimes

JUDGE BRIAN C. WIMES
UNITED STATES DISTRICT COURT